

REMARKS

Claims 1-15 are pending in the application. It is gratefully acknowledged that the Examiner has still found allowable subject matter in Claims 8-15. Moreover, the Examiner is thanked for withdrawing the §112 rejection. The Examiner has rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Mizuta et al. (U.S. Patent Application Pub. No. 2003/0171133) in view of Johnson et al. (U.S. Patent No. 6,463,262). Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mizuta et al. in view of U.S. Patent No. 6,272,324 to Rudisill et al.

Regarding the Declaration submission under 37 CFR §1.131, the Examiner takes the position that although the identification of which documents belong to which Exhibits can be ascertained, the Exhibits were not labeled as indicated in the declaration. The Examiner concluded by stating: "in view of the uncertainty of the exhibits there is insufficient evidence at this time to prove reduction to practice prior to the Mizuta reference." The Examiner indicated in an interview that since the documents are scanned in, the original order of the pages was not kept. Therefore, the Examiner can simply identify which documents belong to which exhibits. The documents have been repaginated with the Exhibit and the page number clearly shown on each page and hereby submitted for the Examiner's consideration. In the event of any mishandling, Applicant respectfully requests a concise statement as to how to remedy this situation.

Mizuta et al. was filed on October 25, 2002. The present application was filed on December 2, 2003 with a priority claim to January 22, 2003. Therefore, based on the Declaration, Mizuta et al. does not qualify as prior art. Based on at least the foregoing, any rejection based wholly or in part on Mizuta et al. must be withdrawn.

Independent Claim 1 is believed to be in condition for allowance. Claim 1 recites a communication device including a liquid crystal display and guide holes having a closed back

face, an open front face and first and second open ends, the guide holes formed at both sides of, and facing the open front face outwardly. Neither Mizuta et al. even if it qualifies as prior art, nor Johnson et al. discloses or even fairly suggests positioning guide holes in a direction outward from a liquid crystal display of a mobile communication device. Accordingly, reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. §103(a) is requested.

Furthermore, without conceding the patentability per se of dependent Claims 2-7, these are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, we request reconsideration and withdrawal of the rejections of dependent Claims 2-7.

Accordingly, all of the claims pending in the Application, namely, Claims 1-15, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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